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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,081	09/30/2003	Jeyhan Karaoguz	14306US02	5083
23446	7590	01/14/2009		EXAMINER
MCANDREWS HELD & MALLEY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				RYAN, PATRICK A
			ART UNIT	PAPER NUMBER
			2427	
				MAIL DATE
				01/14/2009
				DELIVERY MODE
				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,081	Applicant(s) KARAOGUZ ET AL.
	Examiner PATRICK A. RYAN	Art Unit 2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 November 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/0256/06)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

1. This Office Action is made in response to Reply to Office Action of 08/20/2008 ("Reply"); filed November 6, 2008. Applicant has amended Claims 1, 11, and 21; no claims have been added; and no claims have been canceled. As amended, Claims 1 through 31 are presented for examination.

2. In Office Action of August 20, 2008 ("Office Action"):

Claims 1 through 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent Application Publication 2001/0018771) in view of Shoff et al., (United States Patent 6,240,555 B1).

Miscellaneous

3. Applicant is advised that the Examiner's Art Unit number has changed from 2623 to 2427. All further correspondence should be directed to Art Unit 2427.

Response to Arguments

4. Applicant's arguments, see Reply Pages 12-17, with respect to the teachings of Walker et al. in addressing the limitations of Claims 1, 11, and 21 have been fully considered, but are moot in view of new grounds of rejection. However, in response to Applicant's arguments regarding the interpretation of the claim language "supplemental information" as equivalent to "synchronized functionality", the Examiner respectfully disagrees and notes that "supplemental information" is only mentioned in dependent

Claims 7, 17, and 27; not Claims 1, 11, and 21; the Examiner does not interpret these terms to be equivalent.

5. Applicant's arguments, see Reply Pages 17-19, with respect to the teachings of Shoff et al. in addressing the limitations of Claims 1, 11, and 21 have been fully considered, but are not persuasive.

Applicant presents that Shoff does not disclose or suggest the Claim 1 limitation "wherein said at least one synchronized functionality originates from the same broadcast provider location as the broadcast television program" because "the broadcast video signals are re-transmitted since they originate from a satellite feed or a cable system feed, i.e., remotely from the headend 22" (Reply Page 18). The Examiner respectfully disagrees.

The Examiner notes that Applicant provides no support for Shoff teaching the re-transmission of broadcast video signals from headend 22 and further notes that Fig. 2 of Shoff demonstrates headend 22 as the only source of information. The Examiner also notes that Applicant's Claim 1 requires that the "synchronized functionality originates", but a point of origin for the broadcast programming is not required. Therefore, it is the Examiner's position that Shoff teaches the transmission of broadcast video (i.e. video programs 40) and synchronized functionality (as part of supplemental content 54) from the same broadcast provider (headend 22) to viewer computing unit 24 by way of network 32, as shown in Fig. 2 and described in Col. 4 Lines 42-61.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 through 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al., United States Patent (6,240,555 B1) hereinafter "Shoff".

8. With respect to Claim 1, Shoff teaches a method for providing access to information related to a broadcast television program (generally shown in Figs. 2, 6, 7, and 9), the method comprising:

delivering, via a single communication path, the broadcast television program along with at least one synchronized functionality associated with the broadcast television program ("target resource contains digital data which supports interactive functionality in conjunction with the associated video content program" and that defines parameters such as display layout or timing information to synchronize the presentation, as described in Col. 9 Line 66—Col. 10 Line 17; with further reference to "the digital data is packaged with the video stream and transmitted as one signal from the headend", as described in Col. 10 Lines 17-24 and Network 32 of Fig. 2), the broadcast television program and said at least one synchronized functionality being of the same format and for display on a television screen within a home (transmission of digital data

in vertical blank interval (VBI) between successive frames of the video, as disclosed in Col. 2 Lines 32-52 and Figs. 1, 8a-8c; with further reference to Col. 12 Lines 24-38),

 said at least one synchronized functionality comprising at least one user-selectable option (“Display Icon Indicating Interactive” at Step 162, which is displayed based on a determination of the existence of interactive data at Step 152 from EPG, as described in Col. 8 Line 62—Col. 9 Line 40), and wherein said at least one synchronized functionality originates from the same broadcast provider location as the broadcast television program (Video Programs 40, Program Information 46, and Supplemental Content 54 distributed from Headend 22 of Fig. 2, as described in Col. 4 Line 42—Col. 5 Line 60; with further reference to Fig. 9 showing the method of authoring an interactive entertainment program, as described in Col. 12 Line 39-67);

 receiving an input from a user that selects at least a portion of said at least one synchronized functionality associated with at least a portion of the broadcast television program, during said delivery (“Display Icon Indicating Interactive” at Step 162 is available for selection by the user at Step 164 of Fig. 6, as described in Col. 9 Line 30—Col. 10 Line 17 and shown in Fig. 8a); and

 in response to said received input, performing at least a portion of said at least one synchronized functionality associated with said at least a portion of the broadcast television program, at least in part outside said home (Steps 170-174 of Fig. 6 describing the processes of activating the target resource selected by the user, as disclosed in Col. 9 Line 54—Col. 10 Line 24; where the target resource can exists at the headend, as described in Col. 10 Lines 28-30).

9. With respect to Claim 2, Shoff teaches the method according to Claim 1 comprising associating said at least one synchronized functionality with the broadcast television program (digital data including “timing information” included with broadcast of video data, as described in Col. 10 Lines 7-24, Lines 34-58; with further reference to Step 245 of Fig. 9, as described in Col. 12 Lines 39-47).

10. With respect to Claim 3, Shoff teaches the method according to Claim 1 comprising notifying said user of said at least one synchronized functionality corresponding to the broadcast television program (Icon 204 indicates the existence of supplemental content and is displayed to the user during step 162 of Fig. 6, as described in Col. 9 Lines 30-53 and shown in Fig. 8a).

11. With respect to Claim 4, Shoff teaches the method according to Claim 1 comprising broadcasting an indication of said at least one synchronized functionality along with the broadcast television program (“indication that program is interactive compatible and that there is supplemental content for the program”, as dictated by EPG Data Field 58, as described in Col. 8 Line 62—Col. 9 Line 19).

12. With respect to Claim 5, Shoff teaches the method according to Claim 1 wherein said input is a code representative of said function (target resources activated in response to a view selecting Icon 204 can represent file locations at Headend 22 or HTML documents, as described in Col. 9 Line 54—Col. 10 Lines 24, 28-30; with further reference to Col. 5 Lines 12-60).

13. With respect to Claim 6, Shoff teaches the method according to Claim 1 wherein said input is generated from at least one of a remote control, a keyboard, a scanning

device and an audio processing device (Remote Control Unit 30 of Fig. 2, as described in Col. 4 Lines 22-34; with further reference to Col. 9 Lines 41-59).

14. With respect to Claim 7, Shoff teaches the method according to Claim 1 comprising generating supplemental information related to the broadcast television program in response to said received input (Steps 178-180 of Fig. 7 describing the extraction and configuration of digital data for presentation, as described in Col. 10 Lines 34-50).

15. With respect to Claim 8, Shoff teaches the method according to Claim 7 comprising presenting said supplemental information to said user (Step 182 of Fig. 7 describing the display of supplemental content according to the display layout and synchronized to the program according to the timing information, as described in Col. 10 Line 50—Col. 12 Line 38 and shown in Figs. 8a-8c).

16. With respect to Claim 9, Shoff teaches the method according to Claim 7 comprising presenting said supplemental information to said user concurrently with said delivery of the broadcast television program (Program 210 of Figs. 8a-8c displayed with supplemental content, as described in Col. 10 Line 59—Col. 12 Line 38).

17. With respect to Claim 10, Shoff teaches the method according to Claim 1 comprising displaying information related to said performance of said at least a portion of said at least one synchronized functionality (Viewer Computing Unit 24 runs electronic program guide (EPG) that displays various listings of programs including Data Field 58 that indicates the existence and location of interactive content, as described Col. 4 Lines 35-42, Col. 5 Line 61—Col. 6 Line 22).

18. With respect to Claim 11, Shoff teaches a machine-readable storage having stored thereon, a computer program having at least one code section for providing access to information related to a broadcast television program, the at least one code section being executable by a machine for causing the machine to perform the method of Claim 1 (Program Memory 96 of viewer computing unit shown in Fig. 5, as described in Col. 8 Lines 4-51; with further reference to Claim 1 addressed above).
19. Claim 12 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 2.
20. Claim 13 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 3.
21. Claim 14 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 4.
22. Claim 15 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 5.
23. Claim 16 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 6.
24. Claim 17 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 7.
25. Claim 18 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 8.

26. Claim 19 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 9.
27. Claim 20 is met as previously discussed with respect to the machine-readable storage of Claim 11 causing a machine to perform the method of Claim 10.
28. With respect to Claim 21, Shoff teaches a system for providing access to information related to a broadcast television program (as shown in Fig. 2 and described in Col. 4 Line 14—Col. 5 Line 60), the system comprising at least one processor that executes the method of Claim 1 (Processor 92 of viewer computing unit shown in Fig. 5 and described in Col. 8 Lines 4-51; with further reference to the method of Claim 1 addressed above).
29. Claim 22 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 2.
30. Claim 23 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 3.
31. Claim 24 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 4.
32. Claim 25 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 5.
33. Claim 26 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 6.

34. Claim 27 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 7.
35. Claim 28 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 8.
36. Claim 29 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 9.
37. Claim 30 is met as previously discussed with respect to the system of Claim 21 operating under the method of Claim 10.
38. With respect to Claim 31, Shoff teaches the system according to Claim 21 wherein said at least one processor is at least one of a media processing system processor, a media management system processor, a computer processor, media exchange software processor, and a media peripheral processor (Processor 92 functions as a media management system processor, as disclosed in Col. 8 Lines 35-51).

Conclusion

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jason P Salce/
Primary Examiner, Art Unit 2421

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/P. A. R./
Examiner, Art Unit 2427
Wednesday, January 14, 2009